

ENTERED

September 13, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

RONALD SATISH EMRIT,

§

Plaintiff,

§

VS.

§ CIVIL ACTION NO. 6:23-CV-00031

SABINE AISHA JULES,

§

Defendant.

§

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

On July 31, 2023, United States Magistrate Judge Mitchel Neurock issued his “Memorandum and Recommendation of United States Magistrate Judge” (M&R, D.E. 6), recommending that this action be dismissed for lack of jurisdiction, improper venue, and as frivolous or vexatious. Plaintiff was provided proper notice of, and opportunity to object to, the Magistrate Judge’s M&R. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13.

No objections have been timely filed. However, Plaintiff has filed a premature notice of appeal, seeking review from the Fifth Circuit Court of Appeals. D.E. 7. In the notice of appeal, Plaintiff characterizes his claim as one involving the constitutional rights of freedom of association and freedom of religion. Even if his effort to “erase” the memory of his marriage and deny any relationship to his ex-wife’s child could be characterized as an attempt to state a civil rights action (which they cannot be because he does not allege that his Defendant ex-wife acted under color of law to deprive him of any such rights (42 U.S.C. § 1983)), they would not overcome the issues of improper venue and frivolous or vexatious

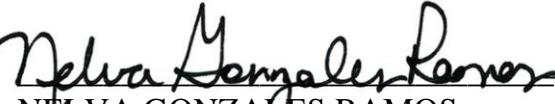
litigation. Accordingly, the Court finds that, even if construed as attempted objections to the M&R, these arguments are not adequate objections¹ and are incapable of changing the result.

When no timely or adequate objection to a magistrate judge's M&R is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge's M&R. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge's M&R (D.E. 6), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly,

- Plaintiff's case is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction, for lack of venue, and for abuse of the judicial process and maliciousness.
- Leave to amend is **DENIED**.
- Plaintiff is **WARNED** that any further frivolous filings in this district will result in sanctions, including filing restrictions.

ORDERED on September 13, 2023.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE

¹ To be cognizable, an objection must point out with particularity an error in the Magistrate Judge's analysis. Failing that, it does not constitute a proper objection and will not be considered. Fed. R. Civ. P. 72(b)(2); *Malacara v. Garber*, 353 F.3d 393, 405 (5th Cir. 2003); *Edmond v. Collins*, 8 F.3d 290, 293 n.7 (5th Cir. 1993) (finding that right to de novo review is not invoked when a petitioner merely reurges arguments contained in the original petition).